

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PAUL DIBIASE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER

16 Civ. 4722 (ER)

12 Crim. 834 (ER)

RAMOS, D.J.

On May 29, 2020, this Court denied Petitioner Paul DiBiase's motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255. Doc. 36. On June 24, Petitioner requested a certificate of appealability from this Court. Doc. 37. "A certificate of appealability may issue . . . only if the [Petitioner] has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Because Petitioner cannot meet his burden under § 2253(c)(2), his request for a certificate of appealability is denied. *Belk v. U.S.*, Nos. 05 Civ. 2696 (LTS) (HBP), 01 Crim. 180 (LTS), 2006 WL963880, at *5 (S.D.N.Y. April 13, 2006). In addition, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal would not be taken in good faith and therefore denies *in forma pauperis* status for the purpose of an appeal. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

It is SO ORDERED.

Dated: November 13, 2020
New York, New York



Edgardo Ramos, U.S.D.J.